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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,434	12/10/2003	Christoph Gouguenheim	200207237-1	2133
22879 7590 09/17/2009 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER				
OKEKE, EZUNNA				
ART UNIT		PAPER NUMBER		
2432				
NOTIFICATION DATE		DELIVERY MODE		
09/17/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
ipa.mail@hp.com  
jessica.l.fusek@hp.com

### Office Action Summary

**Application No.**

10/733,434

**Applicant(s)**

GOUQUENHEIM ET AL.

**Examiner**

IZUNNA OKEKE

**Art Unit**

2432

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-24, 26-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-24, 26-28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 05/18/2009 have been fully considered but they are not persuasive.

On Pages 2-3 of applicant's arguments and remarks, applicant argues that Riddick fails to teach a secure token for use with an insecure device, wherein in a file transaction with a peer, the token is configured to create a key unique to a peer and sends the key to the insecure device and peer. According to the applicant's specification in Para 38-40, the use of the 'third key' is in a peer to peer transaction or content exchange. The token of the host peer (peer that transfers content) generates an encryption/decryption (third key) which is received by the host peer's device and the token of the client peer (peer that receives the content). The cited reference, Riddick, teaches a similar limitation in Para 82-87. Riddick discloses a consumer who owns a legitimate content and wishes to make or transfer a copy to a friend (peer). The consumer's device reads the media key (encryption/decryption key) generated and stored on the secure token of the consumer's device (See Para 84). This key generated from the consumer's token is used to build a new record (comprising the encrypted content to be transferred, the count and the key read from the consumer's secure token) (See Para 86). This record is then sent to the secure token of the peer device. The encrypted records that are generated by the consumer device in Para 86 is different from encrypted media key records. The encrypted record is the encrypted content to be transferred and the media key record is the encryption/decryption key. Applicant's assertion that the consumer device generates the key is a wrong interpretation. The secure token

generates the media key which is sent to the consumer device and later to the token of the peer whilst the consumer device generates the encrypted content.

In view of the above explanations, examiner maintains the rejection because applicant's argument do not make the invention wholly and patentably distinct from the prior art disclosed by Riddick.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-24, 26-28 and 30-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Riddick et al. (US-20030046568)

a. *Referring to claim 1, 11, 16, 17, 19, 26, 28 and 36:*

Regarding claim 1 and similar claims 11, 16, 17, 19, 26, 28 and 36, Riddick teaches A secure token for use with an encrypted file and an insecure decryption device, the secure token comprising a processor for protecting a first cryptographic key against unauthorized access, and creating a second cryptographic key from the first key and a message unique to the insecure device, the second key usable for file decryption by the insecure device (Abstract and Para 49, 61 and 70-74 teaches a smart token for protecting the unique key (Media encryption key) and a second key encrypted using the public key or message (PDI, player digital ID unique to the player) of the player wherein the second key is used by the player to decrypt the content),

wherein, in a file transaction with a peer, the secure token is configured to create a third key unique to the peer and send the third key to the insecure device and the peer (See Para 82-87 and response to argument.... Media key record generated and stored on consumer secure token read by consumer device and sent to peer's secure token).

a. Referring to claim 2, 30 and 31:

Regarding claim 2 and similar claims 30 and 31, Riddick teaches the secure token of claim 1, wherein the secure token includes a smart card, the smart card including the processor (Para 61.... smart token).

a. Referring to claim 3 and 20:

Regarding claim 3 and similar claim 20, Riddick teaches the secure token of claim 1, wherein the processor uses a hash function to create the second key from the message and the first key (Para 65.... encrypting the first key and the PDI (player info) to create the second key).

a. Referring to claim 4, 12, 18, 21 and 33:

Regarding claim 4 and similar claims 12, 18, 21 and 33, Riddick teaches the secure token of claim 1, wherein the secure token performs an electronic transaction to obtain the first key (Para 61... Key transferred at purchase).

a. Referring to claim 5, 13 and 22:

Regarding claim 5 and similar claims 13 and 22, Riddick teaches the secure token of claim 4, wherein the secure token conducts a transaction with a server to purchase a desired file; and wherein the secure token receives the first key from the server (Para 61 and 67).

a. Referring to claim 6, 7, 14, 15, 23, 24 and 35:

Regarding claim 6 and similar claims 7, 14, 15, 23, 24 and 35, Riddick teaches the secure token of claim 4, wherein the transaction is a transaction of the secure token with a peer the purchase the file; and wherein the secure token receives the first key from the peer (Para 82-83..... transaction (purchase or sell), smart token in consumer player or device transfers key to smart token of a peer player).

a. Referring to claim 9:

Regarding claim 9, Riddick teaches the secure token of claim 1, further comprising means for receiving the first key and encrypted data, wherein the insecure device uses the second key to decrypt the encrypted data (Para 70-71.... decrypting encrypted data).

a. Referring to claim 10 and 34:

Regarding claim 10 and similar claim 34, Riddick teaches the secure token of claim 1, wherein processing power of the secure token is significantly less than processing power of the insecure device (Para 70..... secure token (smart token) has less processing power than insecure device, (Player)).

a. Referring to claim 27:

Regarding claim 27, Riddick teaches the device of claim 26, further comprising means for playing media decrypted with the second cryptographic key (Para 70).

a. Referring to claim 32:

Regarding claim 32, Riddick teaches the system of claim 31, wherein the insecure device includes a media player (Para 70).

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O./  
Examiner, Art Unit 2432

/Jung Kim/  
Primary Examiner, AU 2432